

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**MOBILITY WORKX, LLC,**

**Plaintiff,**

**v.**

**CELLCO PARTNERSHIP D/B/A  
VERIZON WIRELESS,**

**Defendant.**

**Civil Action No.: 4:17-CV-00872-ALM**

**JURY TRIAL DEMANDED**

**DECLARATION OF ROSS R. BARTON IN SUPPORT OF  
VERIZON'S MOTIONS *IN LIMINE***

I, ROSS R. BARTON, declare:

1. I am an attorney licensed to practice law in the States of North Carolina and Virginia, and I am admitted to practice in the Eastern District of Texas. I am a Partner in the law firm of Alston & Bird LLP and counsel for Defendant Cellco Partnership d/b/a Verizon Wireless ("Verizon"). I am over 18 years of age and am competent to testify as to the matters set forth herein. I make the following statements based upon my own personal knowledge, unless expressly stated otherwise.

2. The document attached to this declaration as **Exhibit 1** is a true and correct copy of excerpts of the September 6, 2019 rough draft deposition transcript of Dr. Sukumaran Nair. Highlighting has been added for the convenience of the Court.

3. The document attached to this declaration as **Exhibit 2** is a true and correct copy of excerpts of the June 20, 2019 Updated Expert Report by Dr. Sukumaran Nair. Highlighting has been added for the convenience of the Court.

4. The document attached to this declaration as **Exhibit 3** is a true and correct copy of excerpts of Plaintiff's Supplemental Responses to Defendant's First Set of Requests for Admission Number 46 and Beyond to Plaintiff, dated June 14, 2019. Highlighting has been added for the convenience of the Court.

5. The document attached to this declaration as **Exhibit 4** is a true and correct copy of excerpts of the June 29, 2018 P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions for U.S. Patent No. 8,231,417. Highlighting has been added for the convenience of the Court.

6. The document attached to this declaration as **Exhibit 5** is a true and correct copy of excerpts of the June 29, 2018 P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions for U.S. Patent No. 7,231,330. Highlighting has been added for the convenience of the Court.

7. The document attached to this declaration as **Exhibit 6** is a true and correct copy of excerpts of Plaintiff's Responses and Objections to Plaintiff's *[sic]* First Set of Interrogatories to Defendant *[sic]*, dated June 10, 2019. Highlighting has been added for the convenience of the Court.

8. The document attached to this declaration as **Exhibit 7** is a true and correct copy of excerpts of the Rebuttal Expert Report of Dr. Sukumaran Nair Regarding the Validity of U.S. Patent Numbers 8,231,417 and 7,231,330, dated July 5, 2019. Highlighting has been added for the convenience of the Court.

9. The document attached to this declaration as **Exhibit 8** is a true and correct copy of *Elbit Sys. Land & C4I Ltd. v. Hughes Network Sys., LLC*, 2:15-cv-37-RWS-RSP (E.D. Tex. July 25, 2017). Highlighting has been added for the convenience of the Court.

10. The document attached to this declaration as **Exhibit 9** is a true and correct copy of *Barry v. Medtronic*, 1:14-cv-104-RC (E.D. Tex. Oct. 28, 2016). Highlighting has been added for the convenience of the Court.

11. The document attached to this declaration as **Exhibit 10** is a true and correct copy of *Rembrandt Wireless Techs., LP v. Samsung Elecs. Co.*, 2:13-cv-213-JRG-RSP (E.D. Tex. Jan. 31, 2015). Highlighting has been added for the convenience of the Court.

12. The document attached to this declaration as **Exhibit 11** is a true and correct copy of *Intellectual Ventures I LLC v. T-Mobile USA Inc.*, 2:17-cv-577-JRG (E.D. Tex. Jan. 8, 2019). Highlighting has been added for the convenience of the Court.

13. The document attached to this declaration as **Exhibit 12** is a true and correct copy of *Implicit, LLC v. Trend Micro, Inc.*, 6:16-cv-80-JRG (E.D. Tex. Oct. 3, 2017). Highlighting has been added for the convenience of the Court.

14. The document attached to this declaration as **Exhibit 13** is a true and correct copy of *Huawei Techs. Co. v. T-Mobile US, Inc.*, 2:16-cv-52-JRG-RSP (E.D. Tex. Sept. 29, 2017). Highlighting has been added for the convenience of the Court.

15. The document attached to this declaration as **Exhibit 14** is a true and correct copy of *SimpleAir, Inc. v. Google Inc.*, No. 2:14-cv-11-JRG (E.D. Tex. Oct. 6, 2015). Highlighting has been added for the convenience of the Court.

16. The document attached to this declaration as **Exhibit 15** is a true and correct copy of *Polaris PowerLED Techs. LLC v. Samsung Elecs. Am., Inc.*, No. 2:17-cv-00715-JRG (E.D. Tex. June 7, 2019). Highlighting has been added for the convenience of the Court.

17. The document attached to this declaration as **Exhibit 16** is a true and correct copy of *Stragent, LLC v. Intel Corp.*, No. 6:11-cv-421-TBD-JDL (E.D. Tex. Feb. 27, 2014). Highlighting has been added for the convenience of the Court.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 10th day of September, 2019, in Charlotte, North Carolina.

A handwritten signature in black ink, appearing to read "Ross R. Barton", written over a horizontal line.

Ross R. Barton